



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 9] नई दिल्ली, शुक्रवार, मार्च 16, 2007 / फाल्गुन 25, 1928
No. 9] NEW DELHI, FRIDAY, MARCH 16, 2007 / PHALGUNA 25, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 16th March, 2007:—

I

BILL NO. XVI OF 2006

A Bill to provide for the establishment of a National Films Development Authority for ensuring the overall development of film industry and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the National Films Development Authority Act, 2006.

Short title and
commencement.

(2) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Authority" means the National Films Development Authority established under sub-section (1) of section 4;

(b) "Chairperson" means the Chairperson of the Authority;

(c) "prescribed" means prescribed by rules made under this Act;

(d) words and expressions used but not defined and defined in the Cinematograph Act, 1952 or the Copyright Act, 1957 shall have the meanings respectively assigned to them in those Acts.

Power of
Central
Government
to take
measures for
the
development
of film
industry.

3. The Central Government shall take all such measures as it deems necessary or expedient for the overall development of the film industry in the Country by prescribing guidelines for that purpose.

Establishment
of Authority.

4. (1) The Central Government shall, by notification in the Official Gazette, establish for the purposes of this Act an Authority to be called the National Films Development Authority.

(2) The head office of the Authority shall be at Mumbai.

(3) The Authority shall consist of the following members who shall be appointed by the Central Government namely:—

(a) the Chairperson who is an expert in the field of the film industry;

(b) one member to represent the Union Ministry of Information and Broadcasting;

(c) one member to represent the Union Ministry of Culture;

(d) one member to represent the Union Ministry of Human Resource Development;

(e) five members to represent Eastern, Western, Southern and Northern regions and Mumbai Cinema;

(f) one Member-Secretary.

(4) The term of office of the Chairperson and every other member shall be three years.

(5) The salaries and allowances payable to and the other terms and conditions of service of the Chairperson and members shall be such as may be prescribed.

(6) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property both movable and immovable, and to contract and shall by the said name sue and be sued.

(7) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

Appointment
of officers,
adviser
consultant
and other
employees of
Authority.

5. (1) For the purposes of discharging its functions, the Authority shall appoint such number of officers and other employees, as it may consider necessary on such terms and conditions as may be prescribed.

(2) The Authority may appoint, from time to time, any person from the film industry as adviser or consultant as it may consider necessary on such terms and conditions as may be prescribed.

Functions of
the Authority.

6. (1) Subject to any guidelines issued by the Central Government under section 3, the Authority shall perform and undertake such special steps in close coordination with concerned Ministries and Departments of the Central and State Governments, the film industry and fraternity to ensure rapid and accelerated development of film industry in all the regions of the country where Hindi or regional languages films are produced as it may deem necessary and expedient to do so for the overall development of film industry.

(2) Without prejudice to the generality of the foregoing provisions, the Authority shall,—

(a) develop necessary infrastructure for film industry such as film cities, studios and sites with modern equipment to shoot films;

(b) take up the issues pertaining to the film industry with the Central and State Governments so as to get concessions, duties and tax reliefs for the industry;

(c) coordinate with the Central Government and State Government to have a uniform entertainment tax regime throughout the country;

(d) coordinate with the Central Government and Banking sector and Financial Institutions to ensure easy loans at reasonable rates of interest to the film industry from such Banks and Financial Institutions;

(e) promote construction of Cinema Halls and see that Cinema Halls are not closed on frivolous grounds;

(f) take such other measures for the overall development of film industry as it may deem necessary.

(3) The Authority shall establish a National Film Museum at a conspicuous place preferably in Mumbai to keep, preserve and display,—

(a) the entire history of film industry, all the films right from the dumb era to the present day in cassettes, compact discs or microchips;

(b) instruments, projectors and other gadgets used in producing films or composition of music of films since the beginning of the film industry in the Country;

(c) costumes, jewellery, dresses, etc. used by famous film artistes, and doyens of film industry;

(d) consolidated whose's who of the film industry right from the beginning of the industry to be got prepared by the Authority within a time frame and revised from time to time.

7. On and from the date of commencement of this Act,—

(a) all property, movable and immovable, of or belonging to National Films Development Corporation shall rest in the Authority;

(b) every person employed by National Films Development Corporation immediately before the commencement of this Act shall hold his office or service in the Authority for the same tenure, at the same remuneration and upon the same terms and conditions and same rights and privileges.

Effect of the
establishment
of the
Authority.

8. (1) The Central Government shall, after due appropriation made by Parliament, by law in this behalf, pay to the Authority in each financial year such sums as may be considered necessary for the performance of the functions of the Authority under this Act.

Payment to
Authority.

(2) The Authority shall prepared in such form and at such time each year as may be prescribed, a budget, in respect of the financial year next ensuing, showing the estimated receipts and expenditure and copies thereof shall be forwarded to the Central Government.

9. (1) The Authority shall have its own fund and all sums which may, from time to time, be paid to it by the Central Government and all the receipts of the Authority including any sum which any State Government or any other Authority, body corporate, firm personality or person may donate or hand over to the Authority, shall be credited to the fund and all payments by the Authority shall be made therefrom.

Fund of the
Authority.

(2) The Authority may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Authority.

(3) The Authority may also give financial assistance to the film artistes, musicians, supporting artistes and technicians who have devoted their life to the film industry and who are in distress due to old age, infirmity and uncared for their subsistence, medical treatment and other personal needs in such manner as may be prescribed.

10. The Authority shall prepare once in every calender year, in such form and at such time as may be prescribed an annual report giving a true and full account of its activities

Annual
Report

during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both houses of Parliament.

Power to
remove
difficulties.

11. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions; not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:—

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

(2) Every order made under this Section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to
make rules.

12. The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Every year our country produces the largest number of films in the world. Majority of the films produced are in Hindi followed by regional languages like Tamil, Telugu, Malayalam, Kannada, Bhojpuri, Gujarati, Bengali, Punjabi, Assamese, Rajasthani and other languages. The film industry gives employment and means of livelihood to millions of people directly as well as indirectly. This industry substantially contributes to the revenues of the Central and State Governments in the form of customs and excise duties, income tax, VAT, entertainment tax, etc. but, unfortunately, this industry has been left to fend for itself. There is no exclusive agency to ensure overall development of this industry. Moreover, this industry is under threat of video and audio piracy. Though Banks and financial institutions are supposed to provide loans to this industry but so far they are not forthcoming to help this industry. As a result, the producers have to borrow finance at a very high rate of interest. The film industry has a very interesting and chequered history but there is not even a museum at the national level to preserve the history and legacy of the industry. Similarly, many a time the film artist's at the fag end of their lives become indigent and helpless and are in dire need of medical and financial assistance but no agency takes care of them and, unfortunately, they die a unsung death. It has, therefore, become necessary to establish an exclusive Authority in place of National Films Development Corporation to take care of all these problems of the film industry and ensure the overall development of the industry.

Hence the Bill.

HEMA MALINI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the National Films Development Authority. Clause 8 makes it obligatory for the Central Government to provide funds to the Authority. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crores may involve as recurring expenditure per annum.

A sum of rupees five thousand crore may also involve as non-recurring expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

II

BILL NO. XVIII OF 2006

A Bill to provide for the basic amenities like drinking water, sanitation, electricity, healthcare, etc. to the dwellers of Jhuggi-Jhopri cluster, slums and pavements or footpaths of the Country and for non removal or demolition of clusters or from the pavements without providing alternative habitation to the dwellers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Jhuggi-Jhopri, Slums and Pavement Dwellers (Basic Amenities, Welfare and Miscellaneous Provisions) Act, 2006.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases the Central Government;

(b) “Jhuggi-Jhopri” means a dwelling unit roughly built with mud, metal or wood having thatched or tin shed covering roof;

(c) “pavement dweller” means the person who lives on the pavement of roads or footpaths, street or in the open space;

(d) “prescribed” means prescribed by rules made under this Act;

(e) “slum” includes an area consisting of badly built, overcrowded houses with unhygienic conditions and without civic amenities around.

National Policy for Jhuggi-Jhopri, slum clusters and pavement dwellers.

3. (1) The Central Government shall, as soon as may be, formulate a national policy for the betterment, removal and rehabilitation, upkeep of the slums and JJ clusters and for the welfare of the people living therein and also for those living on the pavements or footpaths in urban area particularly in the Metropolitan and other big cities.

(2) The National Policy so formulated under sub-section (1) shall be uniformly implemented throughout the Country and the policy may incorporate provisions for civic amenities like drinking water, electricity, sewerage, toilets, drainage, roads, passage, sanitation and healthcare for the residents of slums, JJ clusters and pavement dwellers.

Provision of houses for slum, JJ cluster and pavement dwellers.

4. (1) The appropriate Government shall construct such number of appropriate dwelling units with attached kitchen, toilet and bathroom for the slum, Jhuggi Jhopri and pavement dwellers and allot them to the dwellers with such terms, conditions and in such manner as may be prescribed.

(2) The dwelling units constructed under sub-section (1) shall be provided with all civic amenities such as potable water, electricity, sewerage system, toilets individual as well as community toilets (*sulabh*) drainage, road passage, sanitation, park and health services for the residents of such dwelling units.

Slum, JJ cluster not be demolished without providing alternative residence.

5. Notwithstanding anything contained in any other law for the time being in force, no slum or Jhuggi Jhopri cluster which is in existence for more than a year shall be removed or demolished either by the appropriate Government or its agency including local self Government or its agency or body without making alternative arrangement of dwelling houses for the residents of such slum or Jhuggi Jhopri cluster.

Special provisions for the welfare of pavement dwellers.

6. The appropriate Government, with a view to implementing welfare measures for the pavement or footpath dwellers shall,—

(a) take a human approach for such dwellers by recognizing the right to use the pavements for the purpose of living till alternative arrangements are made for them;

(b) construct such number of night shelters or *Rain Baseras* for the pavement dwellers as it may deem necessary with such facilities as may be prescribed;

(c) provide the necessary healthcare with free check ups, medicine, diagnostic checks through mobile dispensaries or units established for that purpose;

(d) distribute free of cost mosquito nets to the pavement dwellers to save them from malaria, dengue, encephalitis and other vector borne diseases;

(e) admit the children of pavement dwellers in Government run or aided schools and institutions and provide them with free accommodation, board and lodging, meals, etc. wherever necessary with dresses, books and other educational material and other facilities for educational, vocational training and for their rehabilitation and such other facilities for the development of character and career so as to ensure all round growth of such children.

(f) render necessary help in cash, kind and advice for the self employment of the pavement dwellers in such manner as may be prescribed.

(g) make such other provision as the appropriate Government may deem necessary expedient for the purposes of this Act.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the States for the implementation of the provisions of this Act.

Central Government to provide funds.

8. The provisions of this Act and of any rules made there under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Act to supplement other laws.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

In urban areas of our Country and more so in the Metropolitans, substantial population lives in slums, Jhuggi Jhopri (JJ) clusters and on the pavements or footpaths. For instance, in Mumbai Metropolitan alone there is Asia's biggest slum "Dharavi" and thousands of other slum areas and JJ cluster right adjacent to airport and in every nook and corner of the city where millions of people live in most inhuman conditions without civic amenities. Similarly, millions of people live and subsist on pavements or footpaths of Mumbai struggling for basic amenities of two square meals and healthcare. Similar is the case of rest of the Country be it the national Capital Delhi or Kolkata, Chennai, Hyderabad, Lucknow, Bangalore, Ahmedabad or any other big city or metropolitan city where slum and JJ clusters can be seen in all parts. During night, time, the pavement dwellers can be seen facing the vagaries of nature particularly in the rainy and winter season. The number of slum, JJ and pavement dwellers is increasing because of exodus from rural areas to urban areas in search of employment. These unfortunate people have no other option but to live in inhuman conditions, falling victims to various diseases and many a time losing their lives.

It is high time to have a National Policy for the slums, JJ clusters and pavement dwellers of the Country. In a Welfare State like ours it is the duty of the Central and State Governments to provide basic amenities like safe potable water, electricity, sewerage system, toilets in individual household as well as community toilets on the lines of Sulabh latrines, drainage, road passage, sanitation facilities, park, schools and healthcare facilities to the slums and JJ cluster residents. Similarly, welfare measures have to be taken for the pavement or footpath dwellers of the Country who are also part and parcel of our society.

Hence this Bill.

HEMA MALINI

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3) OF
THE CONSTITUTION OF INDIA

[Copy of letter No. D.O.No.H-11017/1/2006-DD(M) I dated the 9th October, 2006 from Kumari Selja, Minister of State (Independent Charge) of the Ministry of Housing and Urban Poverty Alleviation to the Secretary-General, Rajya Sabha].

"The President, having been informed of the subject matter of the proposed Bill viz. 'The Jhuggi-Jhopri, Slums and Pavement, Dwellers (Basic Amenities, Welfare and Miscellaneous Provisions) Bill, 2006' by Smt. Hema Malini, M.P. (Rajya Sabha), recommends to the Rajya Sabha the consideration of the Bill under article 117(3) of the Constitution".

FINANCIAL MEMORANDUM

Clause 4 of the Bill makes provision of houses for slum, JJ clusters and pavement dwellers. Clause 6 makes special provision for the welfare of pavement dwellers. Clause 7 makes it mandatory for the Central Government to provide adequate funds to the States for the implementation of the provisions of this Bill. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten thousands crore may involve as recurring expenditure per annum.

A sum of rupees five thousand crore may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

III

BILL NO. CIV OF 2006

A Bill further to amend the Registration of Foreigners Act, 1939.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Registration of Foreigners (Amendment) Act, 2006.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 3.

2. In the Registration of Foreigners Act, 1939, (hereinafter referred to as the Principal Act), in section 3, in sub-section (1), clauses (a), (b) and (c) shall be omitted.

16 of 1939

Amendment
of section 6.

3. In the Principal Act, in section 6 after the proviso, the following provisos shall be inserted, namely:—

"Provided further that the Central Government may, by notification in the Official Gazette, impose such restrictions on the movement of certain class of foreigners as may be necessary:

Provided also that a copy of such notification shall be placed on the table of each House of Parliament as soon as it is published."

STATEMENT OF OBJECTS AND REASONS

According to a report, India has been ranked the fourth most travelled destination in a group of hundred countries in the world. This high ranking among travellers reflects the attraction of our country to foreigners. But unfortunately, the number is not very high as compared to many other countries. According to World Tourism Organization, 33 lakh tourists visited India in 2004. In the same year, China had over 4 crore tourists and Thailand had around 1 crore. The inflow of tourist reflects proportionately on the revenue earned from tourism by our country. It is abysmally low as compared to other countries. Our country despite its size and diversity is lagging far behind the other Asian countries let alone European destinations. Similar trends are visible in foreign investments. According to World Bank, our country ranked 134 among 175 countries for doing business. Our Asian counterparts like China, Hong Kong, Singapore have developed as world's favourite investment countries. One of the main reasons for India poor performance in tourism and FDI is its rigid and harassing laws for foreigners keen on visiting our country. The foreigners visiting our country on their arrival realize that they are in a system which is hostile to outsiders. The old legislation on Registration of Foreigners and rules made under it make it necessary for foreigners to report their passport and visa details to the Foreigners Registration Office (FRO)/Foreigners Regional Registration Office (FRRO) within 14 days of their arrival on six months visa. If a foreigner is staying with his friends, his particulars have to be reported to the nearest Police Station. Such draconian measures are sure to put off tourists besides being out of place in today's liberalized environment for investments. In most of the developed countries, there is no such law and the foreigners are allowed to move freely in those countries. When a foreigner arrives in our country, his details are entered at the Immigration Counter of the airport and the same is repeated when he leaves the country which should be sufficient. There is no need for a separate registration.

No doubt, foreigners of certain class in our neighbourhood require to be dealt with utmost caution in view of the militancy and disturbance on our borders but for this there should not be general provisions for all foreigners. For this class there can be a separate provision under the Act and they can be taken care by the police and intelligence agencies of the Government. The bonafide foreigners should not be put to unnecessary inconvenience. Therefore, it is proposed to amend the relevant provisions of the Foreigners Registration Act, 1939.

Hence this Bill.

KALRAJ MISHRA

IV

BILL NO. I OF 2007

A Bill to provide for maintenance and welfare measures to be undertaken by the State for the divorcee women or separated women and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title
extent and
commencement.

1. (1) This Act may be called the Divorcee Women Welfare Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "advisory committee" means the Divorcee Women Welfare Advisory Committee constituted under section 4.

(b) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government.

(c) "divorcee woman" means a woman whose marriage has been dissolved under section 13 of the Hindu Marriage Act, 1955 or under sections 27 and 28 of the Special Marriage Act, 1954 or under section 10 of the Indian Divorce Act, 1869 or under Muslim Personal Law or on any other ground she has been separated from her husband and who has no relative to support her or who has no independent source of livelihood including her minor children dependent on her.

(d) "fund" means the Divorcee Women Welfare Fund created under section 3.

(e) "prescribed" means prescribed by rules made under this Act.

3. There shall be formed a fund to be called the Divorcee Women Welfare Fund after due appropriation made by Parliament in this behalf for the purpose of undertaking welfare measures and providing facilities to divorcee women.

Formation of
Divorcee
Women
Welfare Fund.

4. (1) The appropriate Government shall constitute a Divorcee Women Welfare Advisory Committee in each district within its jurisdiction for the purposes of performing functions assigned under this Act.

Constitution of
the Advisory
Committee.

(2) The District Collector shall be the *Ex-Officio* Chairperson of the advisory committee and other members shall be nominated by the appropriate Government in such manner as may be prescribed.

(3) Each Advisory Committee shall consist of such number of members as may be prescribed which shall also include the representatives of the organisations which are working for upliftment of destitute and helpless women of the society.

5. It shall be the duty of the Advisory Committee to:—

Functions of
Advisory
Committee.

(i) promote the welfare measures for the divorcee women.

(ii) examine the eligibility of the divorcee woman and recommend to the appropriate Government to provide facilities to her under this Act.

(iii) give wide publicity through the electronic and print media about the welfare measures provided under this Act.

(iv) perform such other functions not inconsistent with the provisions of this Act as may be assigned to it by the appropriate Government from time to time.

6. The appropriate Government shall on the recommendations of the Advisory Committee provide the women covered under this Act, the following facilities, namely:—

Facilities to the
Divorcee
Women.

(a) monthly allowance to lead a minimum standard of living;

(b) residential accommodation free of cost;

(c) free education including technical education to dependent children;

(d) free medical aid;

(e) gainful employment;

(f) free vocational education wherever necessary;

(g) such other facilities, as may be necessary for her rehabilitation, proper development and for maintaining a respectable life in the society:

25 of 1955
43 of 1954
4 of 1869

Provided that if any woman covered under this Act either gets gainful employment or remarries, all the facilities provided to her and to her dependent children in accordance with the provisions of this Act, shall be withdrawn from the date she gets the gainful employment or remarries as the case may be.

Government to
provide Fund.

7. The Central Government and the State Governments shall contribute adequate funds to the Divorcee Women Welfare Fund from time to time in such proportions as may be prescribed for carrying out the purpose of this Act.

Power to make
rules.

8. The Central Government may by notification in the Official Gazette make rules for carrying out the purpose of the Act.

STATEMENT OF OBJECTS AND REASONS

In our country there is great disparity between the economic ramifications of divorce between men and women. Men remain relatively unaffected while women, especially those with children, face difficulty in "providing food, clothing and shelter for themselves and their children". Often a woman is not able to rely on her family for support because many parents feel they have discharged their obligations to a daughter by arranging her marriage and providing dowry. Dowries are not returned after divorce. Also, due to the social stigma of divorce, women find it difficult to remarry and usually attempt to establish an independent household.

While one should have the right to divorce, it is still a highly stigmatizing action. Women are looked upon more harshly than men in this regard. There continues to be segments of Indian society that feel divorce is never an option, regardless of how abusive or adulterous the husband may be which adds to the greater disapproval for women. A divorced woman often will return to her parents' family, but may not be wholeheartedly welcomed. She puts, especially if she has children, an economic burden on her family and is often given lowly household tasks to perform. There is also the risk that a divorced woman's presence would ward off possible marriages for other daughters within the household. Unavoidably, the overall status of the family and household are lowered by having a divorcee living with them. A woman's class and caste are a major factor in her acceptance back into society. Women from higher classes tend to have an easier time than middle or lower class women in returning to the social order after a divorce. An exception to this model is the extreme bottom of the society who have experienced little rebuff from peers after a divorce. This results from their already a typical status in society.

As is well known among the poor who form the majority of the population—families are in no position to support even unmarried daughters or sisters. Exposures of questionable 'marriages' of young girls to foreign tourists, by poor families, of continued 'sale' of young women of different communities, and the high incidence of suicides, and destitution among poor women after divorce, provide substantial evidence of the inability of their parents or other relatives to provide maintenance.

More impracticable, unrealistic and unjust is the expectation that a divorced woman will sue her parents/other relatives to obtain maintenance. It is an unfortunate fact of life that the inheritance right of daughters to their fathers' property generally remains unimplemented because most women find it inadvisable to sue their brothers. Field research provides ample evidence that widowed, divorced or deserted women dependent on their parental families find their lives unbearable, particularly after the death of the parents. Also social research among poor women of all communities, has already identified growing irresponsibility of husbands and fathers as a serious problem. The question also needs to be asked—why should the brother shoulder the responsibility, while the husbands, responsible (in the majority of cases) for the act of divorce are absolved of all responsibility? Moreover the position of a divorcee woman is more awful in rural areas because of being illiterate due to the conservative attitude of villagers, they are exploited to the extent possible.

Ours being a welfare State, it is expedient to liberate the divorcee women from exploitation by providing them financial assistance and other necessary facilities so that they live honorably in the society. For this purpose Divorcee Woman Welfare Fund should be created to ensure that life of no divorcee woman will become so miserable due to poverty which may enable the unscrupulous elements of the society to exploit the situation and make their lives disgraceful in the society.

Hence this Bill.

PRAMILA BOHIDAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for creation of the Divorcee Women Welfare Fund. Clause 4 provides for the constitution of Divorcee Women Welfare Advisory Committee. Clause 6 provides for various facilities to the divorcee women. Clause 7 provides that the Central Government shall contribute to the Divorcee Women Welfare Fund.

The Bill, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore may involve as recurring expenditure from the Consolidated Fund of India.

A non-recurring expenditure of rupees hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purpose of this Bill. The rules will relate to matters of detail only.

The delegation of legislative power is of normal character.

V

BILL NO. II OF 2007

A Bill to provide for the welfare of freedom fighters and their families and for matters connected therewith.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Freedom Fighters and their Families (Welfare) Act, 2007.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases, the Central Government.

(b) "family" means the family members of a freedom fighter and his dependants.

(c) "freedom fighter" means any leader or martyr or a patriot who has inspired national struggle for independence of the country.

(d) "prescribed" means prescribed by rules made under this Act.

Freedom
Fighters
Welfare
Authority.

3. The Central Government shall establish an Authority to be known as the "Freedom Fighters Welfare Authority" which shall have offices in every district of the country for the purpose of performing functions assigned under this Act.

Functions of
the Authority.

4. The functions of the Authority shall be,—

(i) to register all freedom fighters and the members of their families in the country;

(ii) to formulate plans and prepare scheme for their welfare;

(iii) to identify the names that have been illegally included in the list of freedom fighters and to remove them from the list; and

(iv) to identify persons using factually incorrect statements about freedom fighters or making disgraceful and insulting remarks about them or publishing such comments by distorting facts in a wrong manner in a book or press or any other media and ensuring action against them.

Facilities to be
provided to
freedom
fighters, etc.

5. The appropriate Government shall provide every freedom fighter and his family and dependants registered with the Freedom Fighters Welfare Authority the following facilities:—

(a) fifteen thousand rupees per month in the form of financial assistance for their subsistence which shall be linked to the Subsistence Expenditure Index so as to ensure a decent standard of livelihood for freedom fighters and their family members;

(b) free medical assistance;

(c) free accommodation according to the needs;

(d) free education including technical education for the dependants of the freedom fighters;

(e) remunerative employment;

(f) professional training;

(g) free travel facilities in AC first class by Railways and Government and Private owned transport; and

(j) such other facilities, as are necessary for their appropriate progress and welfare.

Power to make
rules.

6. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Freedom fighters have played an important role in the liberation of our country. It is only because of the struggle of freedom fighters that we are the citizens of a free India today. Today freedom fighters, who made great sacrifices putting their lives at stake and inspired the country for freedom, are leading a very hard life in an independent India. The pension that they receive from Government is very meagre. They are not able to sustain themselves properly with the amount of pension they are receiving. They have been facing financial hardship. They do not have any housing facility for themselves or their dependant children and they are unable to get any special financial help for the treatment of chronic diseases as a result of which they die for want of proper treatment.

Further writers are presenting distorted facts about freedom fighters in Government and private publications. There are many authors who do not have complete and correct information about freedom fighters, yet they write unrealistic articles about freedom fighters. They are presenting wrong facts about freedom fighters and making illusive statements, as a result of which the citizens of the country including the families of freedom fighters are suffering mental agony. This not only causes disrespect and insult to the freedom fighters, but also brings disgrace to the nation. Even today, there are many names in the list of freedom fighters who had no connection with the freedom struggle, but still their names have been included in the list in an illegal manner.

It is, therefore, necessary to bring legislation for the welfare and safeguard of freedom fighters and their families.

Hence this Bill.

JAI PARKASH AGGARWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of "Freedom Fighter Welfare Authority" by the Central Government with Offices in every district. Clause 4 provide that each Freedom Fighter Welfare Authority shall formulate plans and prepare schemes for the welfare of freedom fighters and their families and shall register the names of all the freedom fighters and the members of their families living under their jurisdiction. Clause 5 provides for grant of a help of rupees fifteen thousand per month for the sustenance of all the freedom fighters and their dependants, free medical assistance and such other facilities, as are necessary for their appropriate development and welfare, etc.

The enactment of the Bill would, therefore, involve expenditure from the Consolidated Fund of India. It is estimated that it may involve a recurring expenditure to the tune of three hundred crore per annum approximately.

It is also likely to involve a non-recurring expenditure of about rupees sixty crore.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since these rules will relate to matters of details only, the delegation of legislative power is of a normal character.

VI

BILL NO. III OF 2007

A Bill further to amend the Prevention of Insults to National Honour Act, 1971.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Insults to National Honour (Amendment) Act, 2007.

Short title and
commence-
ment.

(2) It shall come into force on such date, as the Central Government may by notification in the Official Gazette, appoint.

Insertion of
new section 4.

Punishment
for incorrect
statements or
derogatory
comments,
etc. about
freedom
fighters.

2. After section 3A of the Prevention of Insults to National Honour Act, 1971 following section shall be inserted, namely:—

“4. whoever uses baseless attributive terms in regard to freedom fighters and makes incorrect statements and derogatory comments about them or publishes or gets published such comments in a book or through press or any other media by distorting the real facts with this motive, shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

Explanation.— For the purposes of this section, the expression “freedom fighters” means a leader or a martyr or a patriot who has inspired people for national struggle for the sake of freedom of the country.”

STATEMENT OF OBJECTS AND REASONS

Freedom fighters have made a major contribution to the freedom of our country. It was because of their struggle that we are citizens of an independent India today. Disrespectful and highly derogatory words and false statements are being made about freedom fighters who made supreme sacrifices putting their lives at stake and inspired the nation to attain freedom.

Some writers are presenting facts about freedom fighters in a wrong manner in books brought out by the government and private publishers. There are many authors who do not have adequate and correct information about freedom fighters and they write factually incorrect articles on them in private publications. They are thus creating confusion by presenting distorted facts about freedom fighters, hurting the feelings of the ordinary citizens of the country and the families of freedom fighters. This causes disrespect and insult not only to the freedom fighters, but also to the nation.

It is, therefore, proposed to amend the Prevention of Insults to National Honour Act, 1971 and extend its scope so that such acts of criticising freedom fighters may be brought within its purview and appropriate punishment is prescribed for such insults.

Hence this Bill.

JAI PARKASH AGGARWAL

VII

BILL NO. VIII OF 2007

A Bill to provide for the welfare and protection of such citizens, who are in business or trade, including small trades, commerce and industry, small and medium scale industries and professionals like doctors, advocates, architects, artists, artisans, actors, sportsmen, including a large number of self-employed persons and pay taxes to the Government but are not covered under any of the existing welfare schemes in respect of their social and financial security, by providing them facilities of pension, family pension, medical assistance, etc., and to provide them a life of dignity, peace and financial security in their old age or disability, and for the welfare measures to be undertaken by the State for the said category of citizens and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Traders, Businessmen, Professionals and Self-Employed Persons (Welfare and Social Security) Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government.

(b) "authority" means the Department/Ministry authorized to calculate, decide or disburse pension, including family pension and provide medical and other facilities to the traders, businessmen, professionals and self-employed persons and their spouses.

(c) "eligible member" means any person who is eligible to avail benefits under the provisions of this Act and also includes their spouses.

(d) "fund" means the Contributory Welfare Fund created under section 3;

(e) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall by notification in the Official Gazette, set up a Contributory Welfare Fund for the purpose of providing pension, family pension, medical and other facilities to traders, businessmen, professionals and self-employed persons and their spouses.

Establishment
of
Contributory
Welfare Fund.

(2) The fund shall be administered by a Board comprising:—

(a) a Chairperson, who possesses adequate knowledge of the problems related to people in business, trade, commerce, industry, etc., to be appointed by the Central Government;

(b) two representatives of trade and industry and two representatives from amongst eminent financial or tax experts to be nominated by the Central Government.

(3) The fund shall contain such sum of money as shall be earmarked by the Central Government from the portion of the income-tax, paid annually, by the persons who are in business, trade, profession or self-employed and who are not covered under any of the existing welfare schemes in respect of their social and financial security.

4. (1) The fund shall be administered by the appropriate Government.

Administration
of Fund.

(2) The appropriate Government before administering the fund shall conduct a survey in order to estimate the number of eligible members availing benefits under this Act.

(3) The Central Government shall provide requisite funds from the Fund to the appropriate Government for carrying out the purposes of this Act.

5. (1) Any trader, businessman, professional or self-employed person who had been paying income-tax for at least ten years till he attains the age of sixty years or becomes disabled or retired or relinquished work/profession earlier for any valid reason whatsoever, shall be entitled to receive pension and medical facilities, etc. and in the case of death of an eligible member, his/her spouse shall be eligible for family pension and medical facilities, etc., in such manner as may be prescribed by the appropriate Government, from time to time, after the commencement of this Act.

Utilisation of
Funds.

(2) The eligible members shall be provided the facility of free medical treatment in the Government hospitals and dispensaries or other dispensaries, nursing homes and clinics recognized by the appropriate Government, in such manner as may be prescribed.

(3) The calculation of family pension, etc., shall be done by the concerned authority taking into account the total period for which the person has worked and paid income-tax in one or more work(s) profession(s), taken together, total amount of income-tax paid by him/her during that period and/or during the last ten years till the date of his/her attaining the age of sixty years or relinquishment of work/profession or disability or death of the eligible member.

Miscellaneous
Provisions

6. The Central Government shall, as soon as may be, but within one year of commencement of this Act, review the existing policy, if any, and formulate a National Policy for the overall welfare and protection of the traders, businessmen, professionals and self-employed persons so as to provide them a life of dignity, peace and financial security at the lag end of their lives.

Act to have
overriding
effect.

7. The provisions of this Act and rules made thereunder shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the proposed traders, businessmen, professionals and self-employed persons who had been working in any part of the country.

Power to
make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The people, who are in business, trade, commerce and industry, including small trades, small and medium scale industries, professionals like doctors, advocates, architects, artists, artisans, shopkeepers, actors, sportsmen, including a large number of self-employed persons and others have got no welfare scheme formulated for them by the Government. These sectors have been totally neglected in the matter of social security. They contribute towards income-tax regularly, and during their day-to-day dealings, also pay all other taxes such as sales tax, service tax, customs, and excise duty, VAT, etc. to the Government either directly or indirectly. Apart from that, a large number of such persons work as agents for collecting these taxes from the public and depositing the same with the Govt. Besides, many of them provide employment to thousands of people in their business, trade, profession, etc., and in a way, help the Government to solve the problem of unemployment upto some extent. Such employers deserve special appreciation and need to be encouraged and rewarded suitably. Thus, the persons belonging to the above said categories contribute maximum to the Government revenue. Government should therefore, make appropriate provisions to safeguard their interests and compensate them suitably in their old age. It is proposed that while they are working and contributing taxes to the Government regularly, certain portion of the income-tax paid by them, may be earmarked separately for their future social security which shall be repaid to the beneficiaries by way of pension and medical facilities, etc., when they attain the age of sixty years or become incapacitated due to any reason whatsoever, or quit their work, profession or business due to any valid reasons after continuously contributing towards income-tax for at least ten years, whether they were in a single business/trade, etc. or otherwise.

If the proposed Bill is passed, this will inspire and encourage all the beneficiaries, to pay more and more taxes to the Government and would attract and motivate a large number of tax evaders and non-taxpayers to voluntarily opt to pay taxes and join the Scheme, in order to be eligible to enjoy the benefits thereof in future. This would certainly keep adding to the Government's revenue year after year.

This Bill seeks to achieve the above objectives.

GIREESH KUMAR SANGHI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the facility of pension and medical facilities, etc. shall be provided from the Contributory Welfare Fund to be set up and organized by the Central Government; Clause 5 provides for free medical treatment in Government hospitals and dispensaries or other dispensaries, nursing homes and clinics recognized by the appropriate Government. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees eighty thousand crores may involve as recurring expenditure per annum. On the other hand, a sum of about rupees fifty thousand crores, which may further increase in future, may be added to the Government's revenue each year if the proposed Bill is passed.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

VIII

BILL No. V OF 2007

A Bill to provide for the establishment of a Rivers Desiltation Authority for the purposes of carrying out desiltation exercises covering the major rivers and its tributaries for obtaining better management of water resources by deepening the river beds resulting in deceleration in flow of river waters into the ocean and for matters connected therewith.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Rivers Desiltation Authority Act, 2007.

Short title,
and
Commencement.

(2) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Authority" means the Rivers Desiltation Authority of India established under section 3;

(b) "prescribed" means prescribed by rules made under this Act.

Establishment
of Rivers
Desiltation
Authority of
India.

3. The Central Government shall by notification in the Official Gazette establish an Authority to be called the Rivers Desiltation Authority of India.

Composition
of the
Authority.

4. (1) The Authority shall consist of the following members, namely:—

(a) The Prime Minister of India, who shall be the *ex-officio* Chairman of the Authority;

(b) The Union Minister of Water Resources and the Union Minister of Shipping, who shall be the *ex-officio* Vice Chair-Persons of the Authority;

(c) Chief Minister of those states falling along the course of the Indus and the Ganga-Brahmaputra river system and along the course of all the major rivers of the Deccan Plateau viz., Mahanadi, Godavari, Krishna and Cauvery, and nine members to be nominated by Central Government in accordance with such procedure as may be prescribed; and

(d) one member, to be appointed by the Central Government, who shall be the Director of the Authority.

(2) The terms and conditions of the service of the members referred to in clause (c) and (d) of sub-section (1) shall be such as may be prescribed.

(3) Subject to such rules as may be made by the Central Government in this behalf, the Authority may, for the purposes of enabling it to perform its functions or exercise its powers efficiently under this Act appoint such officers and other employees, as it may think fit, and determine their functions and conditions of services.

Funds of the
Authority.

5. The funds of the Authority shall consist of,—

(a) annual grants made to it by the Central Government after due appropriation made by Parliament by law in this behalf; and

(b) contributions from the beneficiary states on proportionate basis.

Functions of
the Authority.

6. The functions of the Authority shall be to,—

(a) draw up short-term and long-term plans for carrying out desiltation exercises in the basins of major rivers and its tributaries in various parts of the country on continuous basis;

(b) set up adequate logistics and appropriate infrastructure judiciously in order to carry out the work and obtain pre-determined depth of the targeted river basins;

(c) perform such other functions as may be incidental, or conducive to the discharge of its main functions;

Power to
make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Our country, which has the world's highest and the most spectacular mountains, is also fortunate to be blessed with one of the world's most extensive and fertile plains, made up of alluvial soil brought down in the form of fine silt by the mighty rivers. Ironically, over the centuries depth of the basins of the rivers have continuously decelerated owing to concentration of alluvial soil and sand on these rivers' beds. Due to narrowing of the rivers' basins by silts, devastation by floods have become a recurring feature during the excess water flow in every monsoon season inundating vast parts of the country and, due to the decreasing water catchment capacity of the rivers, precious water has been compelled to be drain out into the ocean. Moreover, due to obstructions to seamless water flows caused by sediments deposited in the river beds, mighty rivers like the Ganges and the Brahmaputra have been changing their course by way of eroding the river banks in many of their catchment areas especially during every monsoon season for the last several years. Recent notable instance among them is the continuous erosion of banks in the course of the river Ganges along Murshidabad and Maldah in West Bengal where the River is seen to be progressively advancing towards Bangladesh obliterating the existing geographical boundary between the two countries.

The problem of silt accumulation in rivers' beds is poised to multiply as no concrete steps to tackle it have been sincerely attempted so far. Desiltation of rivers will not only augment their water conservation capacity but will also facilitate much cheaper mode of transportation of goods and passengers on the waterways and the exercise will result in creation of huge employment opportunities, particularly for the unskilled people in rural areas along side the rivers.

This Bill seeks to establish a Rivers Desiltation Authority which will take appropriate steps for planning and implementing strategy for desiltation of rivers in the country in order that water resources can be managed fruitfully, occurrences of floods can be controlled and waterways can be harnessed for yielding economic benefits to the society, including large employment generation.

Hence this Bill.

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to establish the Rivers Desiltation Authority. It is estimated that a sum of Rupees one hundred crore will be required from the Consolidated Fund of India initially to set up the Authority. A sum of Rupees ten crore per year will also be required to meet the recurring expenditure.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to frame rules for carrying out the purposes of this Act. The rules will relate to matters of details only. The delegation of legislative power is, therefore, of normal character.

IX

BILL NO. IV OF 2007

A Bill to provide for financial relief to the people for damage caused to their crops, property, livestock and or loss of life suffered by them due to earthquake, cyclones, tsunami, floods, landslide, cloudburst and for matters connected therewith.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Financial Relief to the Natural Calamity Victims Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Financial
Relief for
damaged
crops.

2. Every person whose crops have been damaged by cyclones, earthquake, tsunami, floods, cloudburst, landslide shall, on an application made in the prescribed form, be paid reasonable financial relief by the Central Government in proportion to the loss of crops suffered by him.

Explanation— For the purposes of this section crop means and includes all types of cereals, pulses, oil-seeds, vegetables, fruits, jute, sugarcane and cotton.

3. The Central Government shall, in consultation with the concerned State Government, provide to every family, whose house and property have been destroyed by cyclone, earthquake, tsunami, floods, cloudburst, landslide, a dwelling unit either at the same place or at any other place earmarked for rehabilitation by Central or by the concerned State Government.

Shelter in case of destruction of house and property.

4. Every person whose livestock has been lost due to cyclone, earthquake, tsunami, floods, cloudburst, landslide shall, on an application made in the prescribed form, be paid by the Central Government adequate financial relief to purchase essential livestock.

Financial relief for loss of livestock.

5. If any person dies as a result of cyclone, earthquake, tsunami, floods, cloudburst, landslide, the Central Government shall, on an application made in the prescribed form by the surviving dependent(s) of the deceased, pay an adequate sum of money, not less than one hundred thousand rupees to them as financial relief.

Financial relief for loss of life.

6. The Government of the State or the Union Territory, in whose territorial jurisdiction the victims loses his life due to cyclone, earthquake, tsunami, floods, cloudburst or landslide, shall provide a suitable job to one of the eligible dependents of the victim as it may think fit, and determine their functions and conditions of services.

Employment provision for dependents of deceased victim.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Saving of other laws.

8. The Central Government shall, in consultation with the Government of the State or Union Territory concerned, appoint within a fortnight of the occurrence of any cyclone, earthquake, tsunami, floods, cloudburst or landslide, a Commissioner with such other staff as may be necessary, for settling the claims for payment of financial relief to the victims:

Appointment of Commissioner for payment of relief.

Provided that the Commissioner shall dispose of a claim within sixty days of the receipt of the application by him.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Various parts of the country are inundated by floods and devastations by other natural disasters namely, super-cyclone, earthquake, cloudburst, landslide which have been occurring in various places at regular intervals causing irreparable damage to lives and properties of the victims who are mostly caught unaware by such occurrences like the incident of tsunami occurred on 26th December, 2004.

Lakhs of helpless poor people in the states viz., Arunachal Pradesh, Assam, Bihar, West Bengal and others are badly affected by floods. A very large number of people in various other States often suffer due to earthquake, cloudburst, landslide, cyclone and other natural calamities, by way of destruction of their dwelling units and other properties. Such calamities pose a threat their livestock and often result in loss of life. For instance, coastal areas of the country particularly Andhra Pradesh, Orissa and Tamil Nadu are frequently affected by cyclones causing widespread devastation of crops, properties and lives. Although the concerned State Governments do try to mitigate the sufferings of the affected people but due to financial constraints they can seldom provide adequate relief to them. Traditionally, there have always remained a big gap between the demands made by the affected States and the relief given by the Central Government.

Since the assistance provided by the Central Government is the main source on which the State Governments depend for providing relief to the persons affected by incidents of natural calamities, it is felt that the Central Government should bear the entire burden in this regard. Therefore, it is proposed that financial relief to the victims of natural calamities should be paid by the Central Government through a Commissioner.

Hence this Bill.

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for provision of dwelling unit in case of destruction of house and property. Clause 4 provides for financial relief for loss of livestock. Clause 5 provides for financial relief in case of death. Clause 6 provides for suitable job to eligible dependents of victims of natural calamities. Clause 8 provides for appointment of Commissioner for settling the claims. Therefore, the Bill, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crores will be required for the purpose from the Consolidated Fund of India per annum as recurring expenditure. However, this may not be required if there is no such natural calamity in a particular year.

A non-recurring expenditure of rupees fifty crores is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the delegation of powers relates to routine matters only, it is of normal character.

X

BILL NO. VI OF 2007

A Bill to provide for the establishment of an Atomic Authority for the purposes of setting up an atomic power plant for generating electricity in the State of Jharkhand and for matters connected therewith.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Jharkhand Atomic Authority Act, 2007.

Short title
and com-
mencement.

(2) It shall come into force with immediate effect.

2. The Central Government shall establish an Authority to be called the Jharkhand Atomic Authority in the State of Jharkhand.

Establishment
of Jharkhand
Atomic
Authority.

3. (1) The Authority shall consist of the following members, namely:—

Composition
of the
Authority.

(a) the Prime Minister of India, who shall be the *ex-officio* Chairman of the Authority;

(b) the Chief Minister of the State of Jharkhand or in his absence the Governor of the State of Jharkhand, who shall be the *ex-officio* Vice Chairman of the Authority;

(c) eighteen Scientists, nine to be nominated by the Central Government and nine by the Government of Jharkhand State in accordance with such procedure as may be prescribed by rules framed under this Act; and

(d) one member, to be appointed by the Central Government in consultation with the Government of the State of Jharkhand, who shall be the Director of the Authority.

(2) The terms and conditions of the service of the members referred to in clause (c) and (d) of sub-section (1) shall be such as may be prescribed by rules made under this Act.

(3) Subject to such rules as may be made by the Central Government in this behalf, the Authority may, for the purposes of enabling it to perform its functions or exercise its powers efficiently under this Act, appoint such officers and other employees, as it may think fit, and determine their functions and conditions of services.

Funds of the
Authority.

4. The funds of the Authority shall consist of,—

(a) contributions, subscriptions and donations made to it by any person; and

(b) annual grants made to it by the Central Government after due appropriation made by Parliament in this behalf.

Functions of
the
Authority.

5. The functions of the Authority shall be to,—

(a) set up an atomic power plant at an appropriate place in the State of Jharkhand;

(b) set up atomic power plant for generating electricity to meet the energy needs of the State as well as those States in its neighbourhood whosoever shall intent to obtain supply of surplus electricity energy from the Authority;

(c) perform such other functions as may be incidental, or conducive to the discharge of its main functions;

Power to
make rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There is acute shortage of electricity in the State of Jharkhand and several other states in the region resulting in backwardness of the State and the entire region. The lowest per capita consumption of electricity registered in the region has been largely attributable to perennial scarcity of electric power at affordable cost. Supply of quality electricity produced by Atomic Power plant will not only facilitate development of the region but will also result in lowering of input cost for industries strengthening their competitiveness especially in the international markets.

Electricity can be produced by harnessing atomic energy and one of the richest areas in the world containing vital raw-material is located in the State of Jharkhand which has the richest Uranium deposits. In spite of that no atomic power plant for producing electricity has been set up in Jharkhand so far.

This Bill seeks to establish an Atomic Authority in Jharkhand to take appropriate steps for setting up of an atomic power plant in Jharkhand so that adequate electricity can be made available to meet the growing industrial and domestic consumption in Jharkhand. It will boost the economy of the State and generate employment opportunities.

Hence this Bill.

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to establish the Jharkhand Atomic Authority. Clause 4 provides for grants to be made by the Central Government for its functioning. It is estimated that a sum of rupees one hundred crore will be required from the Consolidated Fund of India initially to set up the Authority. A sum of rupees two crores per year will also be required to meet the recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to frame rules for carrying out the purposes of this Act. The delegation of legislative power is, therefore, of normal character.

XI

BILL NO. VII OF 2007

A Bill to provide for prohibition on distribution, sale and advertisement of video games showing violence and indecency in their operations in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Violent and Indecent Video Games (Prohibition on Distribution, Sale and Advertisement) Act, 2007.

Short title,
extend and
commence-
ment.

(2) It shall extend to the whole of India.

(3) It shall come into effect with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in case of a State the Government of that State and for all other purposes the Central Government;

(b) "sale" includes giving on rent or allowing free access to game on internet;

(c) "prescribed" means prescribed by rules made under this Act;

(d) words and expressions used in this Act but not defined and defined in the Indecent Representation of women (Prohibition) Act, 1986 and the India Penal Code shall have the meaning respectively assigned to them in these Acts.

60 of 1986.
45 of 1860.

Prohibition on distribution, sale and advertisement of violent and indecent video games.

3. (1) No person shall distribute, sell or advertise such video games in the country which contain violence, bloodshed and indecent material or representation.

(2) The Central Government shall not allow import of such video games in the country which are showing violence and indecency.

Appropriate Government to monitor the contents of games.

4. (1) It shall be the duty of the appropriate Government to monitor the contents of video games available within its territorial jurisdiction and notify such video games which contain violence and indecency.

(2) The appropriate Government shall from time to time, issue directions to the concerned authority and the police about the procedure to be followed in monitoring violent and indecent games in the market in such manner as may be prescribed.

The Central Government to block the portals/websites selling violent and indecent games.

5. If any portal or website is selling any violent or indecent video games the Central Government shall block the portal or the website:

Provided that the Central Government shall not block any portal or website without giving their representatives a reasonable opportunity of being heard.

Parents to check the contents of games.

6. It shall be the responsibility of each parent to check the content of the video game they are giving to their children or the games being acquired by children themselves and evaluate the ratings given on these video games.

Schools to issue guidelines to students on games.

7. Every school shall design/create curricula to guide advice children to reduce their total screen time and the type of games to be played.

Games to be launched with the approval of Children Films Society of India.

8. Every new game launched in the country in any manner shall be subject to the approval of Children Films Society of India.

Penalty.

9. Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act shall be punishable with imprisonment for a term, which may extend to three years or with fine, which may extend to five lakh rupees or with both.

Offences by companies.

10. Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other

officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section:—

(i) “company” means anybody corporate and include a firm or other association of individuals; and

(ii) “director”, in relation to a firm, means a partner in the firm.

11. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficult:

Power to
remove
difficulties.

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

12. The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, relating to violent and indecent video games.

Overriding
effect of the
Act.

13. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

Children in today's world are growing in a totally different kind of environment. The tools for play and entertainment are video games many of which are violent and indecent. Duke Nankeen, Max, Payne, Elite Warriors, Hitman, Commandoes, Dooms are all names of most popular video games in the market right now. All these are war or killing games which children are exposed to from the age of three years and above. These games are highly engaging and interactive unlike watching programmes on T.V.

Apart from this, there are a host of free video games available on internet many with warning that the games may contain explicit scenes of blood and gore. According to medical experts, recurrent viewing of scenes of blood and gore causes defiance in child so with slight provocation, anger or hostility, the defiance is often directed at parents. It further says that children also develop insensitivity to pain and bloodshed in the absence of adequate inputs from parents and teachers about the basic human right of letting other persons to live. These children become less caring and helpful towards their peers.

As a result, the new kid on the block is an angry young child. He devotes hours before screen playing these violent and indecent games. Most of the parents do not check the contents of the games and just give into the demands of the children which come very cheap at 50 rupees a game. Parents here have an important role to play. Psychologists have found that when parents limit the time as well as the type of game their children play, children are less likely to show aggressive behaviour. It is otherwise also reflecting bad on the kids as instead of going to play out door games, they are sitting hours together before the TV or computer screen. Children are not born violent; they are made violent. They become conditioned to associate violence with fun, as part of normal life. The end result of unmonitored video violence is that we are training an army of kids. There were several incidents in other countries where children went into unprovoked shooting spree killing many innocents. The same is the case with indecent games which are, at times, marked for adults but land in the hands of children due to apathy of the shop keeper in selling those games to right kind of persons. These games allow player to watch strip shows, depict nudity, sexual conduct and other contents harmful to minors. There is an urgent need to ban these games containing violence, bloodshed and indecent material from the reach of the children and save the future of the society.

Hence this Bill.

MAHENDRA MOHAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is of normal character.

XII**BILL NO. XV OF 2007**

A Bill to provide for regulation of production, distribution, sale and advertisement of herbal medicines in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement

1. (1) This Act may be called the Herbal Medicines (Regulation of Production, Distribution, Sale and Advertisement) Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "advertisement" means any visible representation by way of notice, circular, label, wrapper or other document and also includes any announcement orally or otherwise;

(b) "distribution" includes distribution or supply of herbal medicines by way of sample;

(c) "herbal medicine" means any formulation of a medicine being used in Ayurvedic and Homoeopathy system of medicine which has been mentioned in any of the ancient text notified by the Central Government under the Drugs and Cosmetics Act, 1940.

(d) "label" means any written marked stamped, printed or graphic matter fixed to or appearing upon any package;

(e) "licence" means licences to be obtained to produce, supply, distribute and sell herbal medicines from the Drugs Controller of India.

(f) "package" includes wrapper, box, carton, tin or other container;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "production" means manufacturing or producing medicines and includes packing, labeling of containers of herbal medicines;

(i) "sale" means sale of herbal medicine in any shop without any licence.

3. (1) Every person engaged in the production and distribution of herbal medicines shall obtain a licence to produce and distribute the herbal medicines.

Mandatory licence to produce and distribute herbal medicines.

(2) No person shall sell, or permit sale of herbal medicines to any other person without licence.

4. No person engaged in the production, distribution and sale of herbal medicines shall advertise such medicines and no person having control over a medium shall cause to be advertised herbal medicine through that medium unless accompanied by a licence under this Act.

Prohibition of advertisement of herbal medicines.

5. (1) No person shall produce, distribute or sell herbal medicines unless every package of herbal medicine bears thereon or on its label the list of ingredients of each content along with its accurate quantity.

Packet of herbal medicines to have a list of ingredients and warning of contraindications.

(2) Any side effects of the herbal medicine and warning of contraindication shall be displayed on its label in such manner as may be prescribed.

6. (1) The specified ingredients and warning on a package of herbal medicines shall be:—

Warning on package to be legible and clear.

(a) legible and prominent;

(b) conspicuous by size and colour.

(2) The size of letters and figures on the label shall be such as may be prescribed by the rules.

7. (1) Any police officer, not below the rank of a Deputy Superintendent of Police or any officer of Drug Administration authorized by the Central Government may if he has any reason to suspect that any provision of this Act has been or is being contravened, enter and search in the manner prescribed, at any reasonable time, any factory building and business premises.

Power to search and seizure.

(2) The provisions of Code of Criminal Procedure 1973, shall apply to every search and seizure made under this Act.

(3) If the police officer and the person authorized by the Central Government referred in sub-section (1) has reason to believe that any provision of this Act has been contravened

in respect of any package of herbal medicine, he may seize such package in such manner as may be prescribed.

Confiscation of package.

8. (1) Any package of herbal medicines in respect of which any provision of this Act has been contravened shall be liable to be confiscated by an order of the Court of jurisdiction.

(2) No order adjudging confiscation shall be made unless the owner or the person in possession of the package of herbal medicine has been given a notice in writing informing him of the grounds, on which it is proposed to be confiscated and giving him a reasonable opportunity of being heard and make representation in such manner as may be prescribed.

Penalty.

9. Whoever contravenes the provisions of this Act shall on conviction, be punishable—

(a) in the case of first conviction with imprisonment for a term which may extend to three years or with fine which may extend to twenty thousand rupees or with both.

(b) in the case of second or subsequent conviction with imprisonment for a term, which may extend to five years or with fine which may extend to one lakh rupees.

Offences to be cognizable and non-bailable.

10. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be cognizable and non bailable.

Offences by companies.

11. Where a person committing a contravention of any of the provisions of this Act or of any rule made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to the company, for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

Explanation.—For the purpose of this section:—

(i) "company" means any body corporate and include a firm or other association of individuals; and

(ii) "director", in relation to a firm, means a partner in the firm.

Summary trial

12. All offences under this Act shall be tried summarily in the manner prescribed for summary trial under the Code of Criminal Procedure Act, 1973.

Power to remove difficulties

13. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

Overriding effect.

14. The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, relating to herbal medicines.

Power to make rules.

15. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Of late, the herbal medicines have acquired a significant role in treating various kind of diseases in the country. The market is flooded with all kinds of traditional and herbal medicines. Some of these herbal medicines are imported from various neighbouring countries which are claimed to be made of various parts of tiger or some other animal or their formulations are based on ancient text in their countries. There are reports that many of these medicines are containing steroids and heavy metals which are very harmful to human body.

Similarly, advertisement of these medicines is also a big business. The broadcaster without realising the side effects of various herbal drugs which are meant to reduce weight or increase height or sexual desire, advertise them in their channel for earning money.

The laws in our country is such that if someone says that formulation of his medicine is based on the ancient text he does not require any licence to sell and produce that medicine. The unscrupulous elements in the society are making use of this loophole in the law and are producing and selling spurious herbal medicines without any licence.

Although there are many reputed and good companies which are producing and selling class products of herbal medicines but then there are many fly by night operators who are fleecing the innocent people.

Many countries in the world have banned these herbal drugs which claim to reduce weight, increase height, grow hair, etc. when they detected harmful elements in those drugs.

Therefore, there is an urgent need to have a law on the regulation of sale, production, supply, distribution and advertisement of herbal drugs to save the citizens from their harmful effects.

Hence this Bill.

MAHENDRA MOHAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is of normal character.

XIII

BILL NO. XIV OF 2007

A Bill to provide for measures to control the population; promotion of small family norms by providing incentives for small family or one child norm through sterilization, by the Central and State Governments and disincentives for those who do not opt for small family norm and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Population Control and Family Welfare Act, 2007.
- (2) It extends to the whole of India.
- (3) It shall come into effect with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases the Central Government;

(b) "fund" means National Population Control Fund established under section 9;

(c) "prescribed" means prescribed by rules made under this Act;

Central
Government
to promote
one child
norm.

3. The Central Government shall, through the electronic and print media, non-governmental organizations, theatre groups and village officers, promote and popularize one child norm to check the population growth.

43 of 1951.

4. Notwithstanding anything contained in the Representation of the People Act, 1951 or in any other law for the time being in force, a citizen shall be disqualified from contesting the election or from being a member of either House of Parliament or of the Legislature of a State or of the local self government bodies, if he is having more than two living children:

Disqualification from contesting elections or being a member of legislature.

Provided that the provisions of this section shall not apply to a citizen having more than two living children on or before the date of commencement of this Act.

5. Notwithstanding anything contained in any other law for the time being in force, any Central Government Employee or an employee of a Public Sector Undertaking or body or authority under the control of Central Government who has more than two living children, shall not be eligible for any further increment in his salary or promotion in career:

Central Government employee not to be entitled for increment and promotion.

Provided that the provisions of this section shall not apply to an employee who has more than two living children on or before the date of commencement of this Act.

6. Notwithstanding anything contained in any other law for the time being in force, no marriage shall be solemnized between a male who is less than twenty-five years of age and a female who is less than twenty-one years of age and any marriage solemnized in contravention of the provisions of this section shall be void.

Minimum age for marriage for male and female.

7. Notwithstanding anything contained in any other law for the time being in force, the appropriate government shall provide to a married couple,—

Incentives on opting for family planning.

(a) Who opts for one child norm by way of sterilization, the following incentives, namely:—

- (i) a dwelling unit on concessional rates, as may be prescribed;
- (ii) education including technical education to the child, free of cost;
- (iii) one time out of turn promotion to Government Servant and a cash reward of rupees twenty-five thousand to others including those in private service:

Provided that if the child is a girl child, the couple shall be given a cash reward of not less than rupees one lakh in fixed deposits for a period of twenty years.

- (iv) employment to the child after completing education as per his ability and qualification.

(b) Who have two children and opt for family planning by way of sterilization thereafter shall be given the following incentives, namely:—

- (i) dwelling unit at concessional rates as may be prescribed;
- (ii) free education to both the children upto graduation level;
- (iii) two advance increments in a grade to Government Servant and one time cash award of rupees twenty-five thousand to others including those in private service.

8. (1) Any married couple who procreates more than two children after the commencement of this Act, shall,—

Disincentives for having more than two children.

- (a) be debarred from availing the facilities of public distribution system;
- (b) not be given medical facilities available free of cost to citizens through Government hospitals and dispensaries;
- (c) not be given the facility of free education to their children under any of the schemes of the Government;
- (d) be debarred from availing such other facilities, as may be prescribed.

(2) Notwithstanding anything contained in the Indian Penal Code or any other law for the time being in force, any married couple who procreates more than three children, shall be punished with imprisonment for a term which may extend to one year or a fine which may extend to twenty-five thousand rupees or with both. 45 of 1860.

Establishment
of Population
Control Fund.

9. The appropriate Government shall, as soon as may be, but within six months of the commencement of this Act, establish a fund to be known as the Population Control Fund consisting of:—

(a) sums paid to the funds by the appropriate Government after due appropriations made by law.

(b) donations received from corporate bodies, other Bodies and general public.

Utilisation of
Fund.

10. The fund shall be utilized for:—

(a) wide publicity to the need for population control;

(b) providing funds to popularize the family welfare programmes;

(c) providing incentives under the provisions of this Act;

(d) such other purposes as may be prescribed.

Overriding
effect and
savings.

11. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law or in any instrument having effect by virtue of any other law, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force in any part of the country.

Power to
make rules.

12. The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Our population has grown and has already crossed one billion mark. Today, we are the second highest populous country in the world after China. We have less than three per cent of the global land but sustaining more than sixteen per cent of the world's population. The continuous rise in population has brought the development made so far in the country to a naught. This has resulted in many socio-economic problems like shortage of housing, educational facilities, potable water, pathetic civic amenities, unemployment, environmental degradation, scanty health and transport facilities, etc. The overcrowding is also resulting in worsening of law and order situation and also widening the gap between the haves and have-nots. In fact, there is no balance between the population growth and the infrastructure and available opportunities.

If the present growth in the population is allowed to continue, then it will be difficult for us to tackle these problems effectively and they will go beyond our control. We have to go for population control for our survival. Therefore, we have to adopt some harsh measures to control the population growth or it will be too late to react. Besides it is also necessary to give incentives to those who opt for family planning to promote it and disincentives and penalty to those contributing excessively to population explosion to discourage them.

Hence this Bill.

MAHENDRA MOHAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for publicity by Central Government to promote one child norm in the country. Clause 7 provides for various incentives for adopting family planning. Clause 9 provides for the establishment of Population Control Fund. The Bill if enacted will involve expenditure from the Consolidated Fund of India and it is estimated that rupees two thousand crores will involve as recurring expenditure per annum. A non-recurring expenditure of rupees five hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is of normal character.

YOGENDRA NARAIN,
Secretary-General.